COMMITTEE ON HUMAN RESOURCES/INSURANCE

April 15, 2003 5:15 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll:

Present: Aldermen Lopez, Sysyn, Pinard, Shea, DeVries

Messrs: Virginia Lamberton, Deputy Chief Jaskolka, Paul Martineau,

Tom Bowen

Chairman Lopez addressed Item 2 of the agenda:

Communication from Human Resources Director recommending approval of an ordinance amendment to adopt a revised class specification for a Payroll Coordinator.

Virginia Lamberton stated if you'll refer to the class specification you'll see on each page there's words that have been highlighted in black and underlined and that's what I'm trying to add in. On the second page I added completely functions as backup to the Benefits Coordinator. Currently we have one employee who manages all of the benefits and I think it's very important to have somebody else who is very knowledgeable about that, so in the absence of the Benefits Coordinator the other person can do it. I do have one person now who can calculate the costs, when you ask for costs of across the board raises, etc., but I would like to have two. Again, the same thing, I like to always make sure I have more than one person who is able to do duties. And then under the minimum qualifications, it used to just say an associates degree in accounting. I think that somebody with an associates degree in business or some other kind of related field would be sufficient. I also added in under the experience factor, it just used to say experience in payroll processing, I would also like to see if somebody had maybe some benefits processing or just general accounting in a business office or small company or something, so that we get the best qualified person for the job.

Alderman DeVries asked Ginny you're doing this so that it will be effective with next budget year, July 1st?

Ms. Lamberton replied no because as of tomorrow I'm recruiting for a part-time payroll coordinator.

Alderman DeVries asked and you have money in your budget for this year? And you are building your budget around the increase next year?

Ms. Lamberton replied yes there is money for this year. There is no increase so I'm not sure why...

Alderman DeVries stated the financial impact shows...

Ms. Lamberton stated that probably shouldn't have been there because there's no impact. That money is there. There's really no impact at all.

Alderman DeVries asked so it's not an upgrade?

Ms. Lamberton answered no. No change in grade. All job specs, if I want to change them I have to come before you.

On a motion of Alderman Pinard, duly seconded by Alderman Sysyn, it was voted to accept the HR Director's recommendation of an ordinance amendment to adopt a revised class specification for Payroll Coordinator.

Chairman Lopez addressed Item 3 of the agenda:

Communication from Human Resources Director recommending approval of reclassification of positions for the Ordinance Violations Bureau and approval of related ordinance amendment.

On a motion of Alderman Shea, duly seconded by Alderman Sysyn, it was voted to move this item for discussion.

Ms. Lamberton stated Chief Driscoll had come to me with the anticipation of the former incumbent retiring and we were looking at the job spec and then we looked at the minimum requirements, etc. and as you know, I try to look at positions as they become vacant to see if they're still appropriate. We had the incumbents in this office fill out questionnaires and it was quite apparent that the first one Accounting Specialist was not appropriate at all. That's not what they're doing in any way shape or form. I can't imagine how they got classified that way. They are really doing customer service and doing it well. Both the Chief and I agreed that they should customer service reps. The second position Ordinance Violations and Bureau Coordinator, in fact there were a couple of items in the specification that just aren't being done. For example, one of them was writing grants for the department and we know that's not the case. Then it was one or two other things, which I'm not recalling off the top of my head, but it was apparent to me that the job was a higher grade than it should have

been. It should not have been at a 17 based on the duties, and now that it's vacant, it seemed like the appropriate time to make it a proper grade, which would be 15.

Alderman DeVries stated I see that we have Deputy Chief Jaskolka with us and I'm wondering if he wishes to add anything to that dissertation?

Deputy Chief Jaskolka stated when we met with Barbara prior to her retirement, we asked her regarding her position and the duties that she did, and she felt that she performed all the duties that were actually listed in the job specifications. We also inquired about the two account positions that are going to be classified as customer service specialists and she also indicated that the title itself is probably wrong but felt that the pay grade was right. At that point, we brought Ginny in, sat down with her, and asked her if we could get a reclassification for the positions and also look into filling Barbara's position and the customer service rep, because as it is now there's two girls in that office. If one is on vacation and one is out sick, we have to shut down that office and that office itself takes all of mail.

Ms. Lamberton stated in addition to that, based on the job classification, as it's currently written, none of the employees in that office would qualify. The minimum qualifications were so restrictive under the, hopefully former job classification, and the Chief and I and John all agreed that we should expand the minimum qualifications it would allow for more opportunities for our current employees.

Alderman Shea moved to accept the HR Director's recommendation of the reclassification of positions for the Ordinance Violations Bureau, and to approve the related ordinance amendments. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Chairman Lopez addressed Item 4 of the agenda:

Communication from Human Resources Director recommending reclassification of a Civil Engineer II position in the Public Works Department to a new classification of Environmental Permits Program Coordinator, and recommending approval of related ordinance amendment.

On a motion of Alderman Pinard, duly seconded by Alderman DeVries, it was voted to approve the recommendation by the HR Director for reclassification of a Civil Engineer II position in the Public Works Department to a new classification of Environmental Permits Program Coordinator, and the related ordinance amendment.

Chairman Lopez addressed Item 5 of the agenda:

Communication from Human Resources Director regarding a request from the Welfare Commissioner for a differential in pay for the Deputy Welfare Commissioner.

Chairman Lopez stated I think I'll leave some conversation to this. I promised the department to speak and let both of them speak before I entertain a motion.

On a motion of Alderman Shea, duly seconded by Alderman DeVries, it was voted to move this item for discussion.

Chairman Lopez stated first I'll hear from the Director and then the department head.

Ms. Lamberton stated there are a couple of things that one might want to look at and there's several attachments to this, whatever this is, I don't know if it's an ordinance or what. Two of the items are the current class specification. One for the Welfare Commissioner and one for the Deputy Welfare Commissioner, and the way I would distinguish the difference between a department head in any department, and the deputy is that the whole purpose to having a deputy is to fill in, in the absence of a department head. Otherwise we don't need deputies. The difference between a deputy and a department head is the director or the department develops new programs, develops policies, procedures, eliminates programs, hires, fires staff, etc. It is at the highest level. That's the person that decides what's going to happen in that department. A deputy runs the office. The deputy implements the decisions of a director. During Paul's absence that's exactly what the incumbent in this position did. She made sure that, and she did it very well, that everything that the director wanted to have operational continued to be operational. And it was. But she didn't change programs or decisions. Typically you make somebody the acting director when there is no director. In other words, say Paul quit, or I quit, then you have a deputy who is assigned all of the duties and then they're held accountable for the programs and changing programs and hiring and firing, etc. That wasn't the case here. We still had a director who just was not available. The other thing that frankly I would be concerned about in the long run is every time a director is out, are we going to start authorizing temporary monies for deputies throughout the system. That has not been happening and I would really caution you that because again that's the purpose of the deputy, filling in for the director.

Chairman Lopez stated welcome back Paul.

Paul Martineau stated Aldermen basically I looked at the ordinance, which I put a copy of 33.061 Temporary Assignments. I read it to say in any case when an employee is qualified and is temporarily required to serve regularly in and accept the

responsibility for work in a higher class of position, such employee shall receive the entrance rate of that class or one rate step above his present rate, whichever is higher, while so assigned. Subject to the approval of the Human Resources Director or Human Resources Insurance Committee. Which is exactly what happened. Now I know that some concerns are that other deputies if the department head isn't there are going basically request this. But I think what you need to do is to change the ordinance to specify that a deputy is not eligible if someone is out for a period of time. As a deputy, she's running the office so to speak, but there are decisions that have to be made on a daily basis when we're dealing with our clients, as to whether or not we're going to allow them to receive either vouchers or benefits or whatever, and it isn't black and white. There are some cases, even though we have guidelines and the law, that basically you have to use your discretion and you have to make decisions that are monetary. And I can point out that during this period she was able to keep our expenses to an all time low. In February \$22,293 and in March \$16,800. So I think not only did she take on a responsibility, she did a fantastic job. Her and our staff. I am going to remind you the 15 months I've been here, 12 months out of those 15 we've been one person short, and in my present budget that's proposed they've actually cut that position out. The people really have been having to work, put in the time, and be diligent in their work and vigilant and look out for the taxpayers of Manchester. So I rest my case.

Alderman Shea stated in discussing this with Paul and also...as I explained, it may be in this case something that obviously is approved by you and of course is in your budget, but we have what we call unintended consequences. And remember I discussed that in terms of, we'll say someone else is the person in charge of the Human Resources Department as indicated, someone else goes out sick and all of a sudden we have this precedence whereby the deputy at a particular department was paid in terms of what the director receives and we run into that problem. So on that basis, we're really going against precedent and to me I believe that the ordinance should probably be looked at. I don't quarrel with that, but to make an arbitrary decision in this case, I'm not for that at all. I think it would lead to serious consequences and that's why when we discussed it I felt I couldn't approve that.

Mr. Martineau stated Alderman I understand your position. As Mrs. Lamberton explained to me the ordinance, the wording of that. If I'm reading it wrong, I don't know. I understand where you're coming from. The thing is this, is let's close the door because something else might happen, but that's expos facto. What you want to do here, if she qualifies under this, I think she's entitled to it. Now if other people, if there's a concern, you just need to address the ordinance and change it.

Alderman Shea stated I think we have to address the ordinance first before we change it. That's what I'm saying. We shouldn't change it for her, that is to say, make an exception for her rather, and then change the ordinance. That would make no sense at

all. I think if the ordinance is contradictory in your mind, to what the obvious intent of the Human Resources Director's responsibility in interpreting this is, then I think that that's a matter for the Aldermanic board under Lands & Buildings or whatever, Bills on Second Reading, or some other ordinance type of thing to discuss. But I don't think that we should arbitrarily go ahead at this stage and grant her whatever the amount is you would like.

Mr. Martineau stated the response to that is, you're not making an exception. You're following the ordinance as it is. Again, if you feel as though that there is no case here, but I'm just looking at the ordinance. There's no exception being made, because it's specific as if that person assumes the responsibility of a grade higher, they in essence should get the remuneration. Again, it's up to the board to decide.

Alderman Shea stated well there were certain things, if I may answer, and I don't want to dominate here, but just to respond to him. I think Mrs. Lamberton explained to you a certain provisions what a director is responsible for and obviously some of the responsibility that you indicated had to do with controlling the expenditures and making sure the office was run according to what you'd like it to be run. I'm sure she was in contact with you over the time you were out in terms of different things, either updating you and so forth. But there were no hires, there we no budgetary concerns, there were no other different matters that a director is responsible for, and that's where I think the difference rests.

Alderman Sysyn stated in the wording of this where it says temporary assignments, you should get this. If you want to change that ordinance afterwards, that's fine. But according to the wording.

Ms. Lamberton stated why don't we take a look at the class specifications for both of these positions. If you look at the Deputy Welfare Commissioner under the general statement of duties it says, "manages assigned operations and activities and other related work as directed by the Welfare Commissioners. The Welfare Commissioner has established his policies, what's payable, what's not, consistent with laws, etc. You look at the Welfare Commissioner's class specification it rises to a higher level. It says plans, organizes, directs the operations activities of the Welfare Department. So at any given time a deputy's responsibilities are to manage those decisions and policies that have already been made. The ordinance itself talks about regularly in and accept the responsibility for work in a higher class. To me regularly in means that that's the way it's going to be for a significant period of time, and typically temporary promotions, which is what I would call it, is based on a vacancy and then the person literally steps in shoes of the director and is then responsible for planning, organizing, and directing the operations and making changes thereof.

Mr. Martineau asked can I respond to that please? If you look at the Welfare Commissioner, it says plans, organizes, and directs. What was directing the operation and activities of the Welfare Department in my absence?

Ms. Lamberton added she was managing it and that's what her class spec says. She was managing all of the new policies and procedures that you implemented after you were elected the Welfare Commissioner.

Mr. Martineau stated your managing basically and your responsible also. I don't want to beat a dead horse. I think I made my...

Alderman DeVries stated actually I was just going to ask Paul if he could elaborate on the last... Initially Paul, Ms. Lamberton had indicated that it would be policy setting and it would be hiring, firing of any employees. Were there any changes in policy while you were out?

Mr. Martineau replied not, but you had to implement and use judgement as to different cases, but they wouldn't hire anybody. We were short one caseworker, so there was more pressure on the staff and the deputy.

Alderman DeVries asked was the deputy involved with drawing up the budget for the following year?

Mr. Martineau replied yes. She represented the department when they had the budget hearing. She came to the budget hearing and had to represent our department. I wasn't here.

Alderman DeVries asked but did she draw up the budget or is that something that you had done initially?

Mr. Martineau replied I had worked on the budget, but she had to present it and explain it.

Chairman Lopez asked do you know whether or not Paul if the Mayor said anything to her that there was maybe misinterpretation?

Mr. Martineau answered in talking with her I think she indicated that she had talked to the Mayor and he told her that she had to find or take care of what had to be done because I wasn't there. That's my understanding. I didn't get that from the Mayor.

Chairman Lopez stated we're talking about paying her \$2,288.09, right?

Mr. Martineau replied that's correct.

Alderman DeVries asked could I have a follow up? It certainly is not about whether this person deserves the extra pay, because your department has really pulled together in some difficult times and has excelled. I think every single one of us wants to reward your department, however we can't and that's not the issue here. What we're trying to grasp is whether we are setting a precedent that is going to come back to haunt us on numerous occasions. When a department head is on vacation for instances, does that qualify? And I think unfortunately that our HR Director has shown me that the job specification that was followed by your deputy really was to manage and carry on, and unless there were something really unique and unusual during that time frame that was well above managing your existing policies, I just don't see how we could format today's ordinance to apply.

Mr. Martineau stated I think what we indicated is obviously we need to change the ordinance to be more specific.

Alderman DeVries stated we can certainly direct our HR to look at that.

Chairman Lopez stated I think that the ordinance can be clarified so we don't run into these particular problems. I don't want to put him on the spot, but I think it's important that I know the question. We have Tom Bowen from the Water Works here and I wonder if he can tell me whether or not when he's away that he pays his deputy his pay. Could you answer that for me please? You do not. Leo Bernier?

City Clerk Bernier stated I think when I was away for a month, I did ask to have Carol get a plus rate while I was gone.

Chairman Lopez asked they gave it to her?

Ms. Lamberton replied no.

Mr. Martineau stated we're not talking about a vacation, a week or two weeks. We're talking about nine weeks, two and one half months roughly. Like it says in the ordinance, and is temporarily required to serve regularly in and accept the responsibility for the work.

Alderman Pinard asked when we had the problem with the previous, did we do anything for the lady that took over for all of those months while waiting for Paul to come in.

Ms. Lamberton stated I can give you some history on that. In August of whenever that was, the Deputy Director left the City and went to the City of Concord to be the Welfare Director. And at that time, the incumbent in this position called me and asked for additional monies. I told her that I wasn't in a position to know whether or not she

had been assigned higher level responsibilities and that that decision rested with the then current Commissioner. I finally caught up with the Commissioner at that time and she indicated that, in fact, that had not happened and that she expected the next person in line to keep the show running. A person that is a Welfare Specialist III I think. In the end though, after discussion, not necessarily with me but between the former Commissioner and the two other employees, both this incumbent and the other person did receive a little bit extra pay during the absence of the Commissioner and the vacancy of Deputy Commissioner. That did happen because there was a vacancy, but it wasn't the full boat so to speak, because the former Commissioner would not authorize it.

Alderman DeVries asked Ginny if you could just...on the temporary assignments ordinance, it addressing "when so assigned". It makes it sound like you or the Mayor or somebody actually has to go through the motions of formally assigning somebody to a different grade or a different job description, rather than taking over voluntarily. Is that what's hanging us up here? I'm not quite sure what this temporary assignments...

Ms. Lamberton replied no. It's a number of issues. One is I personally really firmly believe that's the role of the deputy. Otherwise we don't need deputies.

Alderman DeVries asked so what is this ordinance written for?

Ms. Lamberton replied I have no idea. I don't even know when it was written. 1966 or 1967.

Alderman DeVries stated I know within some of the contracts we have some temporary assignment language and that might be...

Ms. Lamberton responded yes you do and that would be when a worker moves up to a foreman and he or she is assigned and it's after so many days or hours or weeks, or whatever. Those are quite clear in when they are appropriate.

Alderman DeVries asked can I make a motion that we refer the matter to HR for her to review and see if there is any ordinance language that you would like to adjust?

Mr. Martineau stated if I could point something out. Jackie Whatmough was the assistant or the deputy. I believe she got the differential prior to leaving to go to Concord. Now I'd have to research that but I think Mr. Hobson was the HR man at the time, but that certainly could be easily looked up.

Ms. Lamberton stated I can't speak about before I arrived, but I would tell you that after I arrived that wasn't the case.

Chairman Lopez stated I don't want to leave a false impression here as to the direction in all fairness to the employee, but if the Committee feels that they want to do some more research I think it has been explained very carefully here. I think that we have to be very careful in whatever we do. If this is going to open up a can of worms that a deputy is going to get paid every time a department head leaves, I have to agree with the HR Director, this is going to be a mess. They get plenty of money now to do the job that they've been hired to do. But I'll go along with whatever the Committee decides to do, but I want to caution you that I don't want leave any false hope.

Alderman Shea stated I make a motion that we deny it.

Alderman DeVries stated there were two separate actions that we asked for. All that I had asked for is that the HR Director examine the ordinance and see if there's any language changes that she wishes to implement and bring it back to us. I didn't ask this to go to there.

Chairman Lopez stated I'm going to accept the motion to either approve or deny.

On a motion by Alderman Shea, duly seconded by Alderman DeVries, Chairman Lopez, Alderman Pinard, Alderman Shea, and Alderman DeVries voted to deny the request from the Welfare Commissioner for a differential in pay for the Deputy Welfare Commissioner. Alderman Sysyn voted in opposition to the motion.

Alderman DeVries stated I just would like to ask our HR Director if she could examine the ordinance and make any appropriate changes and report back to us if she finds so necessary to avoid confusion.

On a motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted to have the HR Director examine the City Ordinance 33.061, Temporary Assignments, and make any appropriate changes and report back to the Committee.

Ms. Lamberton replied I would be happy to do that.

Chairman Lopez stated maybe if in doing that, if you would also check with Tom Clark.

Ms. Lamberton replied I can do that. We also have contracts and we don't want to be in conflict with any of the contracts. It all has to be researched.

Chairman Lopez stated this ordinance was passed 11/4/98 for some reason an amendment was done and I don't know what that amendment constituted. You will take a look at it.

Chairman Lopez addressed Item 6 of the agenda:

Communication from Human Resources Director, Virginia Lamberton, recommending approval of an ordinance amendment for a new class specification, Security Officer - Water Works.

On a motion of Alderman Pinard, duly seconded by Alderman Shea, the item was moved for discussion.

Tom Bowen stated as you probably are aware, we have very large construction project that is on the horizon probably ready to kick off probably around the first of June of this year. Since 9/11 we have been receiving a lot of information with regard to security alerts and so forth, with regard to infrastructure around the country. Not specifically against Manchester Water Works or against water utilities, but more generally and unfortunately I think we are obligated to kind of respond to these kinds of threats. At the present time our water treatment plant is in a lockdown position. We basically have the doors locked and we have the gates closed. That's fine for a normal operating procedure with our own employees and with normal delivers, however, once we start this construction project, we're going to have probably somewhere around a 125 to 130 construction employees on this site every day for a 30 months period. And we felt it was appropriate to provide some level of supervision and security checking people in and out as they come and go from the site, logging deliveries in and out so that we know who is delivering materials, and where they're putting it and if it's appropriate. This is intended to be a part-time position that would be filled by multiple people. It is our intention that these people would work basically ten-hour days. At the present time we're just theorizing that it might be two five hour shifts, five days a week, but it may be four people that would filling this on alternating days. We really haven't done the solicitation for the project yet, but it is monies that were approved by the Water Board as part of the construction project.

Chairman Lopez asked would you plan on using the City security officer for any advice or control?

Mr. Bowen replied yes. We have had numerous discussions with Robidas. In fact he assisted us in drafting the current language in the specs and he has been assisting us right along with the security improvements that have been ongoing at the plant.

On a motion of Alderman Pinard, duly seconded by Alderman Shea, it was voted to approve the recommendation of the HR Director to amend the ordinance to add a new class specification for Security Officer – Water Works.

Chairman Lopez addressed Item 7 of the agenda:

New Hire/termination reports submitted for informational purposes only.

On motion of Alderman Shea, duly seconded by Alderman DeVries, it was voted to receive and file this item.

TABLED ITEM

Chairman Lopez stated just to make a note on Tabled Item 8, I talked with Mr. Dillon and he can't be here this evening and would like it to go to next month and have more conversation with the HR Director.

Communication from, HR Director, regarding a request from the Airport Director to change the salary grade of the Airport Security Manager.

Ms. Lamberton stated I hate to ask to use the word favor, but I'm going to. You know all of these classifications and class specs? I attached the ordinances to my request because I was hoping that maybe tonight we could move them along and just be done with it. In particular, Chief Driscoll and almost Chief Jaskolka, have an urgency to fill the...

Chairman Lopez asked which one are we going back to?

Ms. Lamberton replied, I'm going back to 2, 3, 4, and 6. They are all reclassification ones establishing job classifications.

On a motion by Alderman Shea, duly seconded by Alderman Pinard, it was voted to revisit Items 2, 3, 4, and 6.

Ms. Lamberton stated I just was wondering if tonight you could move it along because I did everything that needed to be done and then it would be done and then we could just move forward.

Alderman DeVries asked so what you are asking is at our Committee report show the indication that we would like to suspend the rules?

City Clerk Bernier stated to help Virginia out what we need to do is get a Committee report and you'll have to bring it in at the board meeting under New Business to suspend the rules and have it ordained that evening. We'll have to take the lead and we'll draft it for you and we'll have to skip Bills and Reading, so we need to talk to the Chairman.

Alderman DeVries asked which items are we looking at?

Chairman Lopez stated looking at Item 2 on the ordinance...

Ms. Lamberton interjected Items 2, 3, 4, and 6.

Chairman Lopez stated we'll give you a chance to look at them and if you've got any questions you can ask them.

Alderman DeVries moved, with a second by Alderman Pinard, that the rules be suspended for approval of these ordinance amendments and the Committee reports be brought before the full board at their next meeting, without first going to the Committee on Bills on Second Readings.

Alderman Shea asked Ginny what is the purpose of this? Like Item 6 doesn't have to do with the Police Department.

Ms. Lamberton replied no. It's almost like after we go through this Committee and we work out issues, just the same information keeps going forward but it takes a month or two months, sometimes three, and frankly I need to know when I hire a Payroll Coordinator, which hopefully will be within the next week or two, that when I hire that person they know exactly what their duties are. Mark Driscoll or Chief Jas, they want to do something because they're short of help in the violations unit, so we are talking about the end of June, July, it just takes too long.

Alderman DeVries stated and I'm sure at Highway they could use the environmental permits person.

Ms. Lamberton stated and they got that grant last September and we need to fill that position as well.

Alderman Shea stated I think that maybe at the meeting that if we have it under New Business that should be explained to the other members of the board so they understand that obviously we're doing something that we don't ordinarily do.

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Ms. Lamberton stated you have been very helpful in that regard to the last classification requests that we've had in establishing positions. A member of this Committee has moved to suspend the rules and make it happen and then it's like we're done.

Chairman Lopez stated there's a motion that we go along with the ordinance in order to speed things up and the HR Director is going to explain it after the City Clerk gets everything ready to try to get this to the full board, so that we can save a months time and with the budget process we need to do that.

Chairman Lopez called for a vote on the motion, and it carried unanimously.

There being no further business, on motion of Alderman Shea, duly seconded by Alderman Pinard, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee